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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte G. ERIC ENGSTROM

Appeal 2009-001811
Application 09/872,686¹
Technology Center 2100

Decided: March 2, 2010

Before JOSEPH L. DIXON, JEAN R. HOMERE, and JAY P. LUCAS,
Administrative Patent Judges.

LUCAS, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ Application filed May 31, 2001. The real party in interest is Hall Aluminum LLC.

STATEMENT OF THE CASE

Appellant appeals from a final rejection of claims 1 to 5, 7 to 17, and 29 to 32 under authority of 35 U.S.C. § 134(a). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b). Claim 6 is cancelled. Claims 8 to 18 are withdrawn from consideration.

We affirm.

Appellant's invention relates to apparatuses and methods for controlling accesses to calendaring events in a computing system (Spec. 3, ll. 2-3). In the words of Appellant:

For each individual user ... the calendar owner may designate the time-slots in his or her calendar to which the user, users of the user group, and or/user type may have a time slot based ... write access, to his or her calendar. The time slot based read access and the time slot based write access time-slot may be separately defined.

A non-owner party attempts to gain read and/or write access to the calendar owner's calendar at a time slot granularity level. The non-owner party is checked for access privilege at the time slot level. . . . If the non-owner party has been so given access privilege to the requested time slots, the non-owner party is accorded access to the requested time-slots.

(Spec. 3, ll. 3-16).

Claim 1 is exemplary, and is reproduced below:

1. A computer implemented method
comprising:

receiving an input for a first time-slot of a plurality of time-slots of a first party's calendar from a second party, the first and second parties being different parties, and the second party being associated with a group affiliation or a user type or both, and the group affiliation or user type or both having one or more defined access privileges, wherein the one or more defined access privileges are defined for specific time-slots of the plurality of time-slots of the first party's calendar; and

processing said received input in accordance with the access privilege of the second party's associated group affiliation or user type or both for the first time-slot.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Vincent	US 4,881,179	Nov. 14, 1989
Falkenhainer	US 5,930,801	Jul. 27, 1999
Barnett	US 6,369,840 B1	Apr. 09, 2002
		(filed Mar. 10, 1999)
Gainsboro	US 7,106,843 B1	Sep. 12, 2006
Fenton	US 6,910,049 B2	Jun. 21, 2005

REJECTIONS

The Examiner rejects the claims as follows:

R1: Claims 1 through 5, 8 through 17, and 29 through 32 stand rejected under 35 U.S.C. § 103(a) for being obvious over Vincent in view of Barnett.

R2: Claim 7 stands rejected under 35 U.S.C. § 103(a) for being obvious over Vincent in view of Barnett and further in view of Falkenhainer.

Appellant contends that the combination of Vincent with Barnett or Falkenhainer does not render the claimed subject matter unpatentable because Vincent fails to teach or suggest the limitation “one or more defined access privileges are defined for specific time-slots of the plurality of time-slots,” as recited in claim 1 (App. Br. 7, bottom to 8, top). The Examiner avers that each of the claims is properly rejected (Ans. 32, top).

We will review the rejections in the order argued in the Briefs. We consider in this opinion only those arguments actually raised in the Briefs. Any other arguments not raised are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The pivotal issue before us is whether Appellant has shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). The issue specifically turns on whether Vincent’s disclosure teaches or suggests Appellant’s claim limitation of “one or more defined access privileges are defined for specific time-slots of the plurality of time-slots” (claim 1).

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

Disclosure

1. Appellant has invented a method, medium, and apparatus in which a first user's access to a second user's one or more of a plurality of time slots is limited. (See "Title of the Invention" and claim 1.)

Vincent

2. The Vincent reference discloses a calendar system in which a first user's access to a second user's time slots is limited. (See col. 3, l. 65 to col. 4, l. 1; Fig. 5.)

Barnett

3. The Barnett reference discloses allowing a user to select individual events from various categories for addition to a personal calendar (col. 8, ll. 35-37).

Falkenhainer

4. The Falkenhainer reference discloses a method of managing a plurality of files stored in an electronic file system (col. 2, ll. 12-14). More specifically, Falkenhainer discloses access privilege to the shared files for tasks such as "read and/or write permissions." (Col. 2, ll. 60-67).

PRINCIPLES OF LAW

Appellant has the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

Our reviewing court states in *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) that "claims must be interpreted as broadly as their terms reasonably allow."

However, "[L]imitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *Zletz*, 893 F.2d at 321).

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l. Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *Kahn*, 441 F.3d at 988).

ANALYSIS

From our review of the administrative record, we find that the Examiner presents his conclusions of unpatentability on pages 3 to 21 of the Examiner's Answer. In opposition, Appellant presents several arguments.

*Arguments with respect to the rejection
of claims 1 to 5, 8 to 17, and 29 to 32
under 35 U.S.C. § 103(a) [R1]*

Appellant argues that Vincent fails to disclose or suggest the limitation “one or more defined access privileges are defined for specific time-slots of the plurality of time-slots,” as recited in claim 1 (App. Br. 7, bottom to 8, top).

More specifically, Appellant argues: “Vincent does not teach or suggest defining access privileges based on specific time-slots as [claimed]. Instead, Vincent defines access based on an event security level, or assigning security access privileges to an individual so that such an individual may access events at or below their security access level.” (*Id.*).

In reply, the Examiner states that Vincent discloses both time-slot based and event-based privileges (Ans. 21, bottom). The Examiner finds that the 5 p.m. to 6 p.m. and 8 p.m. time-slots in Figure 5 of Vincent are labeled “ACCESS PERMISSION DENIED” in support of the finding that Vincent discloses Appellant’s claimed “time-slot based access privileges” (*id.*).

In this case, we find convincing the Examiner’s argument that Vincent uses access privileges “defined for specific time slots,” as claimed (*id.*). We find that Appellant has invented a method, medium, and apparatus in which a first user’s access to a second user’s calendar is limited by time. (FF#1). In comparison, the Vincent reference discloses a calendar system in which a first user’s (cited as Appellant’s non-owner party) access to a second user’s (cited as Appellant’s owner party) time slots is limited in a somewhat

different way. (FF#2). However, the literal words of the claims, when fairly interpreted, read on the reference.

We read the claim language “one or more defined access privileges are defined for specific time-slots of the plurality of time-slots” to mean that the claimed “access privileges” are shown in the selected time slots. Using the Examiner’s cited example, Vincent discloses at Figure 5 that a user cannot enter (*i.e.*, write) events in the 5 to 6 p.m. and 8 p.m. time slots of another user’s calendar (Appellant’s claimed “owner”). Thus, a person of ordinary skill in the art would have recognized Vincent’s access privileges (Appellant’s cited “access privileges”) as being defined to exclude a particular user (Appellant’s non-owner party”) from entering events in those two specific time slots (Appellant’s claimed “one or more of a plurality of time slots”) where access permission is “required” (*i.e.*, restricted). Reading the claim language broadly but reasonably, *see Zletz*, 893 F.2d at 321, Appellant’s claim limitation “one or more defined access privileges are defined for specific time-slots of the plurality of time-slots” reads on Vincent since Vincent’s privileges either permit or prevent a non-owner user to enter events in one or more (perhaps all) selected slots within a plurality of time slots. Therefore, Appellant’s argument as to the basis (*i.e.*, Vincent’s user level or event security) for allowing or denying access to specific time slots is unpersuasive since the literal wording of Appellant’s claim limitation “access privileges defined for specific time slots” is demonstrated by the reference’s designation as “ACCESS PERMISSION REQUIRED” (*i.e.*, restricted) for those 5 p.m. and 8 p.m. time slots. The designated two time slots being restricted satisfies the claim, even though the reason behind the restriction is user-based. We appreciate that any two time slots the user

designates will be restricted, but that is not precluded by a literal reading of the claim's limitations. Accordingly, we find no error in the Examiner's rejection.

We note that we do not read any limitations from the Specification into the claims. (*See Van Guens*, 988 F.2d at 1184.) We merely read the limitations of the claim on the references.

*Arguments with respect to the rejection
of claim 7
under 35 U.S.C. § 103(a) [R2]*

Dependent claim 7 recites, in relevant part, "wherein the access privileges include an access privilege with an ability of writing an entry into said first time-slot and an ability of viewing an entry in said first time-slot."

Appellant argues:

[The Falkenhainer reference's] description does not teach providing access privileges that include an ability of writing an entry into a first time-slot and an ability of viewing an entry in the first time-slot, as recited in claim 7. The write access described in Falkenhainer is provided file-by-file and provides no indication of time-slot based access.

(App. Br. 12, middle).

The Falkenhainer reference discloses access privilege to shared electronic files for tasks such as "read and/or write permissions" (FF#4). As we stated above regarding claim 1, Vincent discloses the argued "time-slot based access" claim limitation. (*See supra.*) The Examiner finds that the

combination of references teaches all of the limitations of claim 7 (Ans. 21, middle).

Appellant further argues: “At no point, does the Office Action provide any indication of the reasoning behind such a combination, but rather simply states the combination may be beneficial.” (App. Br. 12, middle).

The Examiner states in the Answer:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Falkenhainer’s teaching of access privilege with an ability of writing to Vincent’s system in order to prevent non-authority user to modify an owner’s calendar without permission and further to allow a [sic] owner of a record to update a [sic] entry in a record.
(Ans. 21, middle).

In accordance with the teachings of *KSR Int’l. Co. v. Teleflex Inc.*, cited above, the Examiner has stated a reason having a rational underpinning for combining the Vincent and Falkenhainer references. We find that a person of ordinary skill in the art would have recognized the advantage of preventing non-authority users from making modifications absent permission, as the Examiner stated above. Accordingly, we find no error in the rejection of claim 7.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1 to 5, 7 to 17, and 29 to 32.

Appeal 2009-001811
Application 09/872,686

DECISION

The Examiner's rejections [R1, R2] of claims 1 to 5, 7 to 17, and 29 to 32 are affirmed.

AFFIRMED

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